

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ALAF GETTER, #184842,

Petitioner,

v.

CASE NO. 2:12-CV-11705
HONORABLE GERALD E. ROSEN

JEFFREY WOODS,

Respondent.

_____ /

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Petitioner, a Michigan prisoner, is challenging the validity of his plea-based armed robbery convictions. This matter is before the Court on Petitioner's motion for appointment of counsel. Petitioner states that he cannot afford counsel, that the issues in this case are complex, that he has mental health issues, and that he has a limited education and no legal knowledge. Petitioner has submitted his habeas petition and supporting documents, but Respondent has not yet filed an answer to the petition or the state court record.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has

submitted his pleadings in support of his claims. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel. The Court will bear in mind Petitioner's request if, upon further review of the case, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

IT IS SO ORDERED.

s/Gerald E. Rosen
GERALD E. ROSEN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: May 23, 2012

I hereby certify that a copy of the foregoing document was served upon Michael Getter, #184843, Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784 on May 23, 2012, by ordinary mail.

s/Ruth A. Gunther
Case Manager
(313) 234-5137